

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 18-16416
Excell Brown, Jr.; CHAPTER 13
Debtor(s). JUDGE Jacqueline P. Cox

NOTICE OF MOTION

PLEASE TAKE NOTICE that on July 15, 2019 at 9:30 am, or soon thereafter as counsel may be heard, I shall appear before the Honorable Jacqueline P. Cox or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 680 at 219 South Dearborn Street, Chicago, IL 60604, and move to present the attached motion.

/s/ Nisha B. Parikh
Attorney for Creditor

NOTE: This law firm is deemed to be a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2019 a true and correct copy of the foregoing NOTICE OF MOTION was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

David M Siegel, Debtor's Counsel
Tom Vaughn, Trustee
Patrick S Layng, U.S. Trustee

And by regular US Mail, postage pre-paid on:

Excell Brown, Jr., 7518 S. Ridgeland, Chicago, IL 60649
Marva Brown-Jackson, 7606 S Paxton Ave, Chicago, IL 60649
William Jackson, 7518 South Ridgeland Avenue, Chicago, Illinois 60649

/s/ Veronica Gerardo

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND RELIEF FROM THE CO-DEBTOR STAY OR, IN THE
ALTERNATIVE, TO DISMISS THE CASE**

Now comes Specialized Loan Servicing, LLC, secured creditor herein, by and through its attorneys, ANSELMO LINDBERG & ASSOCIATES LLC, and moves for entry of the attached Order Granting Relief from the Automatic Stay and Relief from the Co-Debtor Stay or, in the alternative, Dismissing the Case and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
4. The debtor filed a petition for relief under Chapter 13 on June 8, 2018. The Chapter 13 Plan was confirmed on October 22, 2018.
5. Specialized Loan Servicing, LLC holds a mortgage secured by a lien on debtor's real estate commonly known as 7518 South Ridgeland Avenue, Chicago, Illinois 60649.
6. Marva Brown-Jackson signed the Mortgage, Note, and Loan Modification as a co-obligor. William Jackson signed the Mortgage for the sole purpose of waiving homestead.
7. As of June 17, 2019 there is equity in the property as its value is \$139,000.00 (per Amended Schedule A/B) and the total debt is \$87,044.10. Debtor has a 50% interest in the subject property.

8. As of June 17, 2019 the loan is past due for the April 1, 2019 to May 1, 2019 payments in the amount of \$704.85 each, the June 1, 2019 payment in the amount of \$749.70. The suspense credit is \$0.03. The total default is \$3,390.37, including attorney fees and costs in the amount of \$1,231.00 for bringing this motion.
9. The failure of the debtor to make timely payments is cause for the automatic stay to be modified as to the movant pursuant to 11 U.S.C. § 362(d)(1).
10. That Section 1301(c) of the Bankruptcy Code states: "On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay, provided by subsection (a) of this section with respect to a creditor, to the extent that (2) the plan filed by the debtor proposes not to pay such a claim."
11. The movant requests the Court order that Rule 4001(a)(3) is not applicable

Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

WHEREFORE, Movant prays for an entry of the attached Order Granting Relief from the Automatic Stay and Relief from the Co-Debtor Stay or, in the alternative, Dismissing the Case and for such further relief as this Court deems proper.

Specialized Loan Servicing, LLC

/s/ Nisha B. Parikh

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